

**Preliminary Work on
Future Sunset Reviews**

Full Report 01-6, click here

BRIEFING REPORT 01-6

REPORT DIGEST

JUNE 27, 2001



STATE OF WASHINGTON

**JOINT LEGISLATIVE AUDIT AND
REVIEW COMMITTEE**

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SUMMARY

The new Sunset Law, enacted in the 2000 Session [C 189 L 00; Chapter 43.131 RCW], places greater responsibility on agencies and programs subject to the Act. A key change is that they are now required to develop performance measures and a data collection plan, and submit them to the Joint Legislative Audit and Review Committee (JLARC) for review and comment. This report covers the first three programs subject to this new requirement:

- The Intermediate Driver License Program,
- The Office of Public Defense, and
- The Underground Storage Tank Program.

The purpose of this new “front-end review” is two-fold: 1) to reach consensus early on as to what measures will be used to evaluate the programs when it is time to conduct the sunset reviews, which for these programs will not be until 2007 or 2008; and 2) to help ensure that the necessary data will be available. To help facilitate this review process, JLARC staff developed a set of criteria and a list of expectations for agencies to follow. This listing is included as Part I to this report.

THE THREE PROGRAMS

As required, each of the three programs below developed and submitted a set of performance measures that address key aspects of legislative intent for the program, and a data collection plan. Each has agreed to provide information relating to its performance measures to the Office of Financial Management as part of its biennial budget request.

Intermediate Drivers License Program. The 2000 Legislature required that new drivers under age 18 be issued restricted, “intermediate” driver’s licenses starting July 1, 2001. The program is scheduled to terminate in 2009, with a sunset review by JLARC required in 2008.

The performance measures and data collection plan were jointly submitted by the Department of Licensing, the Washington Traffic Safety Commission, and the Office of the Superintendent of Public Instruction. The key measures that will be used to evaluate the effectiveness of the program include reductions among 16 and 17 year old drivers in the rates of total collisions per year, fatal collisions per year, and traffic offenses per year.

Office of Public Defense. The 1996 Legislature established this independent judicial branch agency to “*implement the constitutional guarantee of counsel and to ensure the effective and efficient delivery of indigent appellate services funded by the state.*” The office is responsible for administering indigent defense services at the appellate level only.

The program is scheduled to terminate in 2008. JLARC will conduct its sunset review of the program in 2007. Key measures that will be used to evaluate the effectiveness of the program include:

- The percentage of appellate judges, responding to a survey, that rate the quality of indigent appellate services as effective and efficiently provided, and
- The percentage of indigent appellate defense briefs rejected for being of unacceptable quality.

Underground Storage Tank Program. The 1989 Legislature enacted the program to protect human health and the environment from leaking underground storage tanks containing petroleum products. These tanks are located at gas stations and other commercial facilities.

The program is scheduled to terminate in 2009. JLARC will conduct its sunset review of the program in 2008. To address the legislative intent for the program, the Department of Ecology has proposed a number of performance measures. These measures will show how well the program is doing with respect to:

- Upgrade of tanks and related equipment for corrosion, spill, and overflow protection;
- Removal or closure of substandard tanks;
- Operation of underground storage tank facilities in compliance with state and federal requirements;
- Reduction in release of hazardous substance from leaking tanks; and
- Clean up of sites involving leaks from these underground storage tanks.

COMMITTEE ACTION

On June 27, 2001, the Joint Legislative Audit and Review Committee concurred with each of the proposals contained in this report to be used in JLARC’s future sunset review of the affected programs.

Representative Val Ogden

Chair